United Nations A/ES-10/PV.22

General Assembly
Emergency Special Session

Official Records

22nd meeting
Tuesday, 21 October 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 9.30 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolutions (A/ES-10/L.13, L.14, L.15)

The President: I would like to inform representatives that, in connection with this item, the General Assembly has before it a draft resolution A/ES-10/L.15, which is being circulated in the Hall.

I also understand that the sponsors of draft resolutions A/ES-10/L.13 and A/ES-10/L.14 are not insisting that the General Assembly take action on these draft resolutions.

Mr. Spatafora (Italy): With the consent of the sponsors of the two draft resolutions now on the table — which you, Mr. President, have mentioned, A/ES-10/L.13 and A/ES-10/L.14 — the European Union (EU) Presidency, on behalf of the 15 EU member States, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the European Free Trade Association (EFTA) countries members of the European Economic Area, Iceland and Liechtenstein, is tabling a compromise replacement draft resolution, document A/ES-10/L.15. The EU presentation of the text reflects our determination to work for progress towards a just, lasting and comprehensive peace in the Middle East based on the vision of two States — Israel and Palestine — living side by side in peace and security.

The President: We have heard the last speaker in the debate on this item.

Before we proceed further, I should like to consult the Assembly with a view to proceeding immediately to consider the draft resolution contained in document A/ES-10/L.15, as orally corrected. In that connection, since the draft resolution has only been circulated today, it would be necessary to wave the relevant provision of rule 78 of the rules of procedure. The relevant provision of rule 78 reads as follows:

> "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

Unless I hear any objection, I shall take it that the Assembly agrees with this proposal.

It was so decided.

The President: We shall now proceed to consider draft resolution A/ES-10/L.15. Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seat.

Mr. Gillerman (Israel): The whole time this humiliating farce was taking place here in New York, a

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world-renowned eye surgeon in Birmingham, Alabama, has been fighting the save the eyesight of Oren Almog, the 10-year-old boy whose grandfather, grandmother, father and two brothers were brutally murdered by a Palestinian in Haifa. One of his eyes has been destroyed forever, but if the other eye is saved, it will look at today's proceedings leading to this vote and the behaviour of some countries in this Chamber with horror and disbelief.

The farce that led to the presentation of this draft resolution has done a disservice to the United Nations in the cause of peace. As long as the majority in this Assembly will pander to and tolerate those who perpetrate these rituals, no one should wonder why the victims of terrorism and those who hope for peace look elsewhere for guidance, protection and inspiration. Surrendering to the manipulative games and illegal and one-sided initiatives of the Palestinian observer, makes a mockery of this Assembly and the United Nations.

Threats to abuse, harm and shamelessly politicize the International Court of Justice and the advisory opinion procedure must not be tolerated or allowed to be used as a bargaining chip to advance extreme and unprincipled positions. Threats to turn the principal judicial organ of the United Nations into a political weapon for one party to a conflict is a dangerous precedent that should be rejected out of hand, not legitimized by pandering in a negotiating process.

We would like to express our disappointment with the role played by certain States that seek or claim a role as promoters of the peace process but that in the United Nations seem unable to remain committed to a moral position that at the very least will not pretend that Israel's security measures are far more serious than the murder perpetrated by Palestinian terrorist groups.

Principle is more important than consensus. Substance is more important than compromising one's position for short-term and short-sighted deals. Does anyone here seriously think it legitimate for the Secretary-General to focus a report on Israeli security measures but not on the Palestinian violations and terrorism that necessitate those measures? At the end of the day, peace, prosperity and security for both the Palestinian and the Israeli people is inseparable from the fulfilment, once and for all, of the Palestinian obligation to fight and dismantle terrorism in accordance with international law, United Nations resolutions, signed agreements and the road map. It is the end of this morally bankrupt strategy that glorifies murder as martyrdom that would eliminate the need for Israeli security measures, pave the way for peaceful negotiations and end the suffering of both peoples. No amount of United Nations debate, distorted texts or abusive diplomatic manoeuvres can alter that basic reality.

The President: We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/ES-10/L.15.

Draft resolution A/ES-10/L.15 is entitled "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia,

South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America

Abstaining:

Australia, Burundi, Dominican Republic, Ecuador, Honduras, Malawi, Nauru, Nicaragua, Papua New Guinea, Rwanda, Tuvalu, Uruguay

Draft resolution A/ES-10/L.15 was adopted by 144 votes to 4, with 12 abstentions (resolution ES-10/13).

[The delegation of Cameroon subsequently informed the Secretariat that it had intended to abstain.]

The President: Before giving the floor to those representatives who wish to speak in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Heinbecker (Canada): Canada voted in favour of the draft resolution. Canada affirms the right of Israel to ensure its own security. Neither terrorism, nor support for terrorists who target the innocent — in whatever form or to advance whatever cause — can ever be justified. Israel has the right to take measures necessary to protect the security of its citizens and its borders from attacks by Palestinian terrorist groups, including by restricting access to its territory.

While we respect Israel's right and obligation to defend its citizens, Canada opposes all unilateral actions which could predetermine the outcome of negotiations on final status, including the construction of an extensive security barrier by Israel on land inside the occupied territory of the West Bank. Canada considers the expropriation of land to facilitate the construction of that barrier to be unacceptable. We are, moreover, concerned about the highly prejudicial impact that the barrier may have on the already flagging prospects for peace. Furthermore, its adverse effect on the continuing dire humanitarian and economic situation in the occupied territories is worrisome. We fear that the scope and location of the barrier being constructed further undermines the hopes of the many who yet yearn for peace.

While such unilateral actions outside the territory of the State of Israel raise serious matters of international law, Canada believes that ultimately this tragic ongoing conflict can be resolved only politically. A just, lasting and comprehensive peace in the Middle East remains possible. The road map is still a viable instrument for achieving that goal. Canada calls on the parties to acquit their obligations and to return to the negotiating table.

Mr. Stephens (Australia): Australia abstained in the vote on the draft resolution. We consider that only carefully balanced resolutions can improve the situation. Australia condemns continuing terrorist attacks against Israel, and fully understands Israel's need to take strong defensive measures. At the same time, we would urge Israel to ensure that these measures, including the security barrier, do not unnecessarily increase the considerable hardships faced by ordinary Palestinians. We are also concerned to ensure that neither side takes any action that might further complicate the outcome of negotiations. Australia urges Israel and the Palestinian Authority to return to those negotiations and to resume implementation of the road map for Middle East peace. The Palestinian Authority must act to end terrorism. The road map offers the best hope of realizing the vision of two States, Israel and Palestine, living side by side in peace and security.

The President: We have heard the last speaker in explanation of vote on the resolution just adopted.

I now give the floor to the Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): We had prepared a long statement in which we planned to speak about yesterday's events in Gaza city, where Israel carried out five aerial acts of aggression that resulted in the martyrdom of 12 Palestinians, and injured 90. Those acts should also, of course, be viewed in the light of earlier events in Rafah. We had also planned to speak about other issues relating to Israel's political position as presented yesterday. However, in view of the lateness of the hour, we will not do so.

I would, however, like briefly to refer to statement that we heard a short while ago by the representative of Israel. That statement included the same repetition of personal attacks, intimidation and blackmail. In fact, that could be the diplomacy of thugs whose insolence and arrogance propel them to become occupiers and colonialists.

We also shall not speak of the important content of the resolution just adopted. Its political and legal import and its essential concepts and ideas are all very clear. We simply want to express our sincere thanks to all those who supported the important effort made during this resumed tenth emergency special session of the General Assembly. In particular, we thank those who co-sponsored both draft resolutions (A/ES-10/L.13 and A/ES-10/L.14). Thanks to that co-sponsorship, it has been possible to reach important results among a large number of Member States.

We also thank the member States of the European Union for having submitted the important resolution that we just adopted. We believe that those countries have done a great service to the cause of peace in our region.

Finally, we would also like to express our sincere appreciation to all the countries that voted in favour of the resolution today, a resolution which we sincerely hope will lead to positive results that would spare us the need for any consequent action in that regard. I would not end my brief statement, Sir, without expressing to you personally our sincere thanks and appreciation for your cooperation and patience during the negotiations. We also thank all the members of the Secretariat who have stayed with us until this late hour. Mr. President, again we thank all of the Member States that have taken the right position and have voted for the resolution.

The President: I am responding positively to a request, despite the fact that it is a little late in the day, but I give the floor to the representative of Peru in explanation of vote.

Mr. Balarezo (Peru) (*spoke in Spanish*): Mr. President, I raised my nameplate before the statement of the Observer of Palestine; however you were unable to see it. So I do feel I must state that we voted in favour of this resolution, but we want it recorded clearly that we do recognize the right of Israel to defend its people against terrorist attacks. Peru would like to express, once again, its strenuous condemnation of all terrorist acts, including suicide attacks and bomb attacks.

The President: The tenth emergency special session of the General Assembly is now adjourned, in accordance with the terms of paragraph 4 of resolution ES-10/13, adopted at the present meeting.

The meeting rose at 9.55 p.m.